

1 As used in this act:

2 (a) "Administer" means the direct application of a controlled
3 substance whether by injection, inhalation, ingestion or any other
4 means to the body of a patient or research subject by:

5 (1) A practitioner (or, in his or her presence, by his or her
6 authorized agent); or

7 (2) The patient or research subject at the direction and in
8 the presence of the practitioner.

9 (b) "Agent" means an authorized person who acts on behalf of
10 or at the direction of a manufacturer, distributor or dispenser.
11 It does not include a common or contract carrier, public
12 warehouseman or employee of the carrier or warehouseman.

13 (c) "Analogue" means a substance that, in relation to a
14 controlled substance, has a substantially similar chemical
15 structure.

16 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
17 Drugs, United States Department of Justice" or its successor
18 agency.

19 (e) "Controlled substance" means a drug, substance or
20 immediate precursor in Schedules I through V of article two.

21 (f) "Counterfeit substance" means a controlled substance
22 which, or the container or labeling of which, without
23 authorization, bears the trademark, trade name or other identifying
24 mark, imprint, number or device, or any likeness thereof, of a

1 manufacturer, distributor or dispenser other than the person who in
2 fact manufactured, distributed or dispensed the substance.

3 (g) "Imitation controlled substance" means: (1) A controlled
4 substance which is falsely represented to be a different controlled
5 substance; (2) a drug or substance which is not a controlled
6 substance but which is falsely represented to be a controlled
7 substance; or (3) a controlled substance or other drug or substance
8 or a combination thereof which is shaped, sized, colored, marked,
9 imprinted, numbered, labeled, packaged, distributed or priced so as
10 to cause a reasonable person to believe that it is a controlled
11 substance.

12 (h) "Deliver" or "delivery" means the actual, constructive or
13 attempted transfer from one person to another of: (1) A controlled
14 substance, whether or not there is an agency relationship; (2) a
15 counterfeit substance; or (3) an imitation controlled substance.

16 (i) "Dispense" means to deliver a controlled substance to an
17 ultimate user or research subject by or pursuant to the lawful
18 order of a practitioner, including the prescribing, administering,
19 packaging, labeling or compounding necessary to prepare the
20 substance for that delivery.

21 (j) "Dispenser" means a practitioner who dispenses.

22 (k) "Distribute" means to deliver, other than by administering
23 or dispensing, a controlled substance, a counterfeit substance or
24 an imitation controlled substance.

1 (l) "Distributor" means a person who distributes.

2 (m) "Drug" means: (1) Substances recognized as drugs in the
3 official "United States Pharmacopoeia, official Homeopathic
4 Pharmacopoeia of the United States or official National Formulary",
5 or any supplement to any of them; (2) substances intended for use
6 in the diagnosis, cure, mitigation, treatment or prevention of
7 disease in man or animals; (3) substances (other than food)
8 intended to affect the structure or any function of the body of man
9 or animals; and (4) substances intended for use as a component of
10 any article specified in ~~clause~~ paragraph (1), (2) or (3) of this
11 subdivision. It does not include devices or their components,
12 parts or accessories.

13 (n) "Immediate derivative" means a substance which ~~the "West~~
14 ~~Virginia Board of Pharmacy" has found to be and by rule designates~~
15 ~~as being~~ is the principal compound or any analogue of the parent
16 compound manufactured from a known controlled substance primarily
17 for use and which has equal or similar pharmacologic activity as
18 the parent compound which is necessary to prevent, curtail or limit
19 manufacture.

20 (o) "Immediate precursor" means a substance which ~~the "West~~
21 ~~Virginia Board of Pharmacy" (hereinafter in this act referred to as~~
22 ~~the State Board of Pharmacy) has found to be and by rule designates~~
23 ~~as being~~ is the principal compound commonly used or produced
24 primarily for use and which is an immediate chemical intermediary

1 used or likely to be used in the manufacture of a controlled
2 substance, the control of which is necessary to prevent, curtail or
3 limit manufacture.

4 (p) "Manufacture" means the production, preparation,
5 propagation, compounding, conversion or processing of a controlled
6 substance, either directly or indirectly or by extraction from
7 substances of natural origin, or independently by means of chemical
8 synthesis, or by a combination of extraction and chemical
9 synthesis, and includes any packaging or repackaging of the
10 substance or labeling or relabeling of its container, except that
11 this term does not include the preparation, compounding, packaging
12 or labeling of a controlled substance:

13 (1) By a practitioner as an incident to his or her
14 administering or dispensing of a controlled substance in the course
15 of his or her professional practice; or

16 (2) By a practitioner, or by his or her authorized agent under
17 his or her supervision, for the purpose of, or as an incident to,
18 research, teaching or chemical analysis and not for sale.

19 (q) "Marijuana" means all parts of the plant "Cannabis sativa
20 L.", whether growing or not; the seeds thereof; the resin extracted
21 from any part of the plant; and every compound, manufacture, salt,
22 immediate derivative, mixture or preparation of the plant, its
23 seeds or resin. It does not include the mature stalks of the
24 plant, fiber produced from the stalks, oil or cake made from the

1 seeds of the plant, any other compound, manufacture, salt,
2 immediate derivative, mixture or preparation of the mature stalks
3 (except the resin extracted therefrom), fiber, oil or cake, or the
4 sterilized seed of the plant which is incapable of germination.

5 (r) "Narcotic drug" means any of the following, whether
6 produced directly or indirectly by extraction from substances of
7 vegetable origin or independently by means of chemical synthesis,
8 or by a combination of extraction and chemical synthesis:

9 (1) Opium and opiate and any salt, compound, immediate
10 derivative or preparation of opium or opiate.

11 (2) Any salt, compound, isomer, immediate derivative or
12 preparation thereof which is chemically equivalent or identical
13 with any of the substances referred to in paragraph (1) of this
14 subdivision, but not including the isoquinoline alkaloids of opium.

15 (3) Opium poppy and poppy straw.

16 (4) Coca leaves and any salt, compound, immediate derivative
17 or preparation of coca leaves and any salt, compound, isomer,
18 immediate derivative or preparation thereof which is chemically
19 equivalent or identical with any of these substances, but not
20 including decocainized coca leaves or extractions of coca leaves
21 which do not contain cocaine or ecgonine.

22 (s) "Opiate" means any substance having an addiction-forming
23 or addiction-sustaining liability similar to morphine or being
24 capable of conversion into a drug having addiction-forming or

1 addiction-sustaining liability. It does not include, unless
2 specifically designated as controlled under section two hundred
3 one, article two of this chapter, the dextrorotatory isomer of
4 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It
5 does not include its racemic and levorotatory forms.

6 (t) "Opium poppy" means the plant of the species "Papaver
7 somniferum L.", except its seeds.

8 (u) "Person" means individual, corporation, government or
9 governmental subdivision or agency, business trust, estate, trust,
10 partnership or association, or any other legal entity.

11 (v) "Placebo" means an inert medicament or preparation
12 administered or dispensed for its psychological effect, to satisfy
13 a patient or research subject or to act as a control in
14 experimental series.

15 (w) "Poppy straw" means all parts, except the seeds, of the
16 opium poppy after mowing.

17 (x) "Practitioner" means:

18 (1) A physician, dentist, veterinarian, scientific
19 investigator or other person licensed, registered or otherwise
20 permitted to distribute, dispense, conduct research with respect
21 to, or to administer a controlled substance in the course of
22 professional practice or research in this state.

23 (2) A pharmacy, hospital or other institution licensed,
24 registered or otherwise permitted to distribute, dispense, conduct

1 research with respect to, or to administer a controlled substance
2 in the course of professional practice or research in this state.

3 (y) "Production" includes the manufacture, planting,
4 cultivation, growing or harvesting of a controlled substance.

5 (z) "State", when applied to a part of the United States,
6 includes any state, district, commonwealth, territory, insular
7 possession thereof and any area subject to the legal authority of
8 the United States of America.

9 (aa) "Ultimate user" means a person who lawfully possesses a
10 controlled substance for his or her own use or for the use of a
11 member of his or her household or for administering to an animal
12 owned by him or her or by a member of his or her household.

13 **ARTICLE 2. STANDARDS AND SCHEDULES.**

14 **§60A-2-204. Schedule I.**

15 (a) Schedule I shall consist of the drugs and other
16 substances, by whatever official name, common or usual name,
17 chemical name, or brand name designated, listed in this section.

18 (b) *Opiates*. Unless specifically excepted or unless listed
19 in another schedule, any of the following opiates, including their
20 isomers, esters, ethers, salts and salts of isomers, esters and
21 ethers, whenever the existence of such isomers, esters, ethers and
22 salts is possible within the specific chemical designation (for
23 purposes of subdivision (34) of this subsection only, the term
24 isomer includes the optical and geometric isomers):

- 1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)
- 2 -4-piperidinyl]-N-phenylacetamide);
- 3 (2) Acetylmethadol;
- 4 (3) Allylprodine;
- 5 (4) Alphacetylmethadol (except levoalphacetylmethadol also
- 6 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- 7 (5) Alphameprodine;
- 8 (6) Alphamethadol;
- 9 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
- 10 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(-
- 11 propanilido) piperidine);
- 12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-
- 13 4-piperidinyl]-N-phenylpropanamide);
- 14 (9) Benzethidine;
- 15 (10) Betacetylmethadol;
- 16 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-
- 17 piperidinyl]-N-phenylpropanamide);
- 18 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-
- 19 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- 20 (13) Betameprodine;
- 21 (14) Betamethadol;
- 22 (15) Betaprodine;
- 23 (16) Clonitazene;
- 24 (17) Dextromoramide;

- 1 (18) Diampromide;
- 2 (19) Diethylthiambutene;
- 3 (20) Difenoquin;
- 4 (21) Dimenoxadol;
- 5 (22) Dimepheptanol;
- 6 (23) Dimethylthiambutene;
- 7 (24) Dioxaphetyl butyrate;
- 8 (25) Dipipanone;
- 9 (26) Ethylmethylthiambutene;
- 10 (27) Etonitazene;
- 11 (28) Etozeridine;
- 12 (29) Furethidine;
- 13 (30) Hydroxypethidine;
- 14 (31) Ketobemidone;
- 15 (32) Levomoramide;
- 16 (33) Levophenacetylmorphan;
- 17 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 18 piperidyl]-N-phenylpropanamide);
- 19 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-
- 20 piperidinyl]-N-phenylpropanamide);
- 21 (36) Morpheridine;
- 22 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 23 (38) Noracymethadol;
- 24 (39) Norlevorphanol;

- 1 (40) Normethadone;
- 2 (41) Norpipanone;
- 3 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 4 phenethyl)-4-piperidinyl] propanamide);
- 5 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 6 (44) Phenadoxone;
- 7 (45) Phenampromide;
- 8 (46) Phenomorphan;
- 9 (47) Phenoperidine;
- 10 (48) Piritramide;
- 11 (49) Proheptazine;
- 12 (50) Properidine;
- 13 (51) Propiram;
- 14 (52) Racemoramide;
- 15 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 16 piperidinyl]-propanamide);
- 17 (54) Tilidine;
- 18 (55) Trimeperidine.

19 (c) *Opium derivatives.* -- Unless specifically excepted or
20 unless listed in another schedule, any of the following opium
21 immediate derivatives, its salts, isomers and salts of isomers
22 whenever the existence of such salts, isomers and salts of isomers
23 is possible within the specific chemical designation:

- 24 (1) Acetorphine;

- 1 (2) Acetyldihydrocodeine;
 - 2 (3) Benzylmorphine;
 - 3 (4) Codeine methylbromide;
 - 4 (5) Codeine-N-Oxide;
 - 5 (6) Cyprenorphine;
 - 6 (7) Desomorphine;
 - 7 (8) Dihydromorphine;
 - 8 (9) Drotebanol;
 - 9 (10) Etorphine (except HCl Salt);
 - 10 (11) Heroin;
 - 11 (12) Hydromorphenol;
 - 12 (13) Methyldesorphine;
 - 13 (14) Methyldihydromorphine;
 - 14 (15) Morphine methylbromide;
 - 15 (16) Morphine methylsulfonate;
 - 16 (17) Morphine-N-Oxide;
 - 17 (18) Myrophine;
 - 18 (19) Nicocodeine;
 - 19 (20) Nicomorphine;
 - 20 (21) Normorphine;
 - 21 (22) Pholcodine;
 - 22 (23) Thebacon.
- 23 (d) *Hallucinogenic substances.* -- Unless specifically
24 excepted or unless listed in another schedule, any material,

1 compound, mixture or preparation, which contains any quantity of
 2 the following hallucinogenic substances, or which contains any of
 3 its salts, isomers and salts of isomers, whenever the existence of
 4 such salts, isomers, and salts of isomers is possible within the
 5 specific chemical designation (for purposes of this subsection
 6 only, the term "isomer" includes the optical, position and
 7 geometric isomers):

8 (1) Alpha-ethyltryptamine; some trade or other names:
 9 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-
 10 aminobutyl) indole; alpha-ET; and AET;

11 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other
 12 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-
 13 2,5-DMA;

14 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other
 15 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
 16 desmethyl DOB; 2C-B, Nexus;

17 (4) 2,5-dimethoxyamphetamine; some trade or other names:
 18 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

19 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other
 20 names: DOET;

21 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:
 22 2C-T-7);

23 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names:
 24 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

1 ~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3,
2 4-methylenedioxy-amphetamine;

3 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and
4 other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
5 "DOM"; and "STP";

6 ~~(9)~~ (10) 3,4-methylenedioxy amphetamine;

7 ~~(10)~~ (11) 3,4-methylenedioxymethamphetamine (MDMA);

8 ~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
9 as N- ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine,
10 N-ethyl MDA, MDE, MDEA);

11 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known
12 as N- hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
13 N- hydroxy MDA);

14 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

15 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

16 (16) Alpha-methyltryptamine (other name: AMT);

17 ~~(14)~~ (17) Bufotenine; some trade and other names:
18 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoeth
19 yl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
20 dimethyltryptamine; mappine;

21 ~~(15)~~ (18) Diethyltryptamine; some trade and other
22 names: N, N-Diethyltryptamine; DET;

23 ~~(16)~~ (19) Dimethyltryptamine; some trade or other names:
24 DMT;

1 ~~(20)~~ (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

2 ~~(17)~~ (21) Ibogaine; some trade and other names: 7-Ethyl-6,

3 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-

4 pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

5 ~~(18)~~ (22) Lysergic acid diethylamide;

6 ~~(19)~~ (23) Marihuana;

7 ~~(20)~~ (24) Mescaline;

8 ~~(21)~~ (25) Parahexyl-7374; some trade or other names:

9 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,

10 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

11 ~~(22)~~ (26) Peyote; meaning all parts of the plant presently

12 classified botanically as Lophophora williamsii Lemaire, whether

13 growing or not, the seeds thereof, any extract from any part of

14 such plant, and every compound, manufacture, salts, immediate

15 derivative, mixture or preparation of such plant, its seeds or

16 extracts;

17 ~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;

18 ~~(24)~~ (28) N-methyl-3-piperidyl benzilate;

19 ~~(25)~~ (29) Psilocybin;

20 ~~(26)~~ (30) Psilocyn;

21 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the

22 substances contained in the plant, or in the resinous extractives

23 of Cannabis, sp. and/or synthetic substances, immediate derivatives

24 and their isomers with similar chemical structure and

1 (f) *Stimulants.* -- Unless specifically excepted or unless
 2 listed in another schedule, any material, compound, mixture, or
 3 preparation which contains any quantity of the following substances
 4 having a stimulant effect on the central nervous system, including
 5 its salts, isomers, and salts of isomers:

6 (1) Aminorex; some other names: aminoxaphen; 2-amino-5-
 7 phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

8 (2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-
 9 propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and
 10 norephedrone;

11 (3) Fenethylamine;

12 (4) Methcathinone, its immediate precursors and immediate
 13 derivatives, its salts, optical isomers and salts of optical
 14 isomers; some other names: (2-(methylamino)-propionophenone;
 15 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-
 16 one; alpha-N-methylaminopropionophenone; monomethylpropion;
 17 3,4-methylenedioxypropionophenone and/or
 18 mephedrone; 3,4-methylenedioxypropionophenone (~~MPVD~~) (MDPV); ephedrone;
 19 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and
 20 UR1432;

21 (5) (+-) cis-4-methylaminorex; ((-) cis-4,5-dihydro-4-methyl-
 22 5-phenyl-2-oxazolamine);

23 (6) N-ethylamphetamine;

24 (7) ~~N,N-dimethylamphetamine~~ N,N dimethylamphetamine; also

1 known as N,N-alpha-trimethyl-benzeneethanamine;
2 N,N-alpha-trimethylphenethylamine.

3 (g) *Temporary listing of substances subject to emergency*
4 *scheduling.* -- Any material, compound, mixture or preparation
5 which contains any quantity of the following substances:

6 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
7 (benzylfentanyl), its optical isomers, salts, and salts of isomers.

8 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
9 (thenylfentanyl), its optical isomers, salts and salts of isomers.

10 (8) N-benzylpiperazine, also known as BZP.

11 **§60A-2-206. Schedule II.**

12 (a) Schedule II consists of the drugs and other substances, by
13 whatever official name, common or usual name, chemical name, or
14 brand name designated, listed in this section.

15 (b) *Substances, vegetable origin or chemical synthesis.* --
16 Unless specifically excepted or unless listed in another schedule,
17 any of the following substances whether produced directly or
18 indirectly by extraction from substances of vegetable origin, or
19 independently by means of chemical synthesis, or by a combination
20 of extraction and chemical synthesis:

21 (1) Opium and opiate, and any salt, compound, derivative or
22 preparation of opium or opiate excluding apomorphine,
23 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
24 naloxone and naltrexone, and their respective salts, but including

1 the following:

2 (A) Raw opium;

3 (B) Opium extracts;

4 (C) Opium fluid;

5 (D) Powdered opium;

6 (E) Granulated opium;

7 (F) Tincture of opium;

8 (G) Codeine;

9 (H) Dihydroetorphine;

10 ~~(H)~~ (I) Ethylmorphine;

11 ~~(I)~~ (J) Etorphine hydrochloride;

12 ~~(J)~~ (K) Hydrocodone;

13 ~~(K)~~ (L) Hydromorphone;

14 ~~(L)~~ (M) Metopon;

15 ~~(M)~~ (N) Morphine;

16 (O) Oripavine;

17 ~~(N)~~ (P) Oxycodone;

18 ~~(O)~~ (Q) Oxymorphone;

19 ~~(P)~~ (R) Thebaine.

20 (2) Any salt, compound, derivative or preparation thereof
21 which is chemically equivalent or identical with any of the
22 substances referred to in subdivision (1) of this subsection,
23 except that these substances shall not include the isoquinoline
24 alkaloids of opium;

1 (3) Opium poppy and poppy straw;

2 (4) Coca leaves and any salt, compound, derivative or
3 preparation of coca leaves (including cocaine and ecgonine and
4 their salts, isomers, derivatives and salts of isomers and
5 derivatives), and any salt, compound, derivative or preparation
6 thereof which is chemically equivalent or identical with any of
7 these substances, except that the substances shall not include
8 decocainized coca leaves or extractions of coca leaves, which
9 extractions do not contain cocaine or ecgonine;

10 (5) Concentrate of poppy straw (the crude extract of poppy
11 straw in either liquid, solid or powder form which contains the
12 phenanthrene alkaloids of the opium poppy).

13 (c) *Opiates*. -- Unless specifically excepted or unless in
14 another schedule, any of the following opiates, including its
15 isomers, esters, ethers, salts and salts of isomers, esters and
16 ethers whenever the existence of such isomers, esters, ethers and
17 salts is possible within the specific chemical designation,
18 dextrorphan and levopropoxyphene excepted:

19 (1) Alfentanil;

20 (2) Alphaprodine;

21 (3) Anileridine;

22 (4) Bezitramide;

23 (5) Bulk dextropropoxyphene (nondosage forms);

24 (6) Carfentanil;

- 1 (7) Dihydrocodeine;
- 2 (8) Diphenoxylate;
- 3 (9) Fentanyl;
- 4 (10) Isomethadone;
- 5 (11) Levo-alpha-acetylmethadol; some other names:
- 6 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 7 (12) Levomethorphan;
- 8 (13) Levorphanol;
- 9 (14) Metazocine;
- 10 (15) Methadone;
- 11 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 12 4-diphenyl butane;
- 13 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 14 1-diphenylpropane-carboxylic acid;
- 15 (18) Pethidine; (meperidine);
- 16 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 17 phenylpiperidine;
- 18 (2 0) P e t h i d i n e - I n t e r m e d i a t e - B ,
- 19 ethyl-4-phenylpiperidine-4-carboxylate;
- 20 (2 1) P e t h i d i n e - I n t e r m e d i a t e - C ,
- 21 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 22 (22) Phenazocine;
- 23 (23) Piminodine;
- 24 (24) Racemethorphan;

1 (25) Racemorphan;

2 (26) Remifentanil;

3 (27) Sufentanil;

4 (28) Tapentadol.

5 (d) *Stimulants.* -- Unless specifically excepted or unless
6 listed in another schedule, any material, compound, mixture or
7 preparation which contains any quantity of the following substances
8 having a stimulant effect on the central nervous system:

9 (1) Amphetamine, its salts, optical isomers and salts of its
10 optical isomers;

11 (2) Methamphetamine, its salts, isomers and salts of its
12 isomers;

13 (3) Methylphenidate;

14 (4) Phenmetrazine and its salts;

15 (5) Lisdexamfetamine.

16 (e) *Depressants.* -- Unless specifically excepted or unless
17 listed in another schedule, any material, compound, mixture or
18 preparation which contains any quantity of the following substances
19 having a depressant effect on the central nervous system, including
20 its salts, isomers and salts of isomers whenever the existence of
21 such salts, isomers and salts of isomers is possible within the
22 specific chemical designation:

23 (1) Amobarbital;

24 (2) Glutethimide;

1 (3) Pentobarbital;

2 (4) Phencyclidine;

3 (5) Secobarbital.

4 (f) Hallucinogenic substances:

5 Nabilone: [Another name for nabilone: (+-)-trans-3-(1,
6 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,
7 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

8 (g) *Immediate precursors.* -- Unless specifically excepted or
9 unless listed in another schedule, any material, compound, mixture,
10 or preparation which contains any quantity of the following
11 substances:

12 (1) Immediate precursor to amphetamine and methamphetamine:

13 (A) Phenylacetone;

14 Some trade or other names: phenyl-2-propanone; P2P; benzyl
15 methyl ketone; methyl benzyl ketone;

16 (2) Immediate precursors to phencyclidine (PCP):

17 (A) 1-phenylcyclohexylamine;

18 (B) 1-piperidinocyclohexanecarbonitrile (PCC);

19 (3) Immediate precursor to fentanyl:

20 (A) 4-anilino-N-phenethyl-4-piperidine (ANPP).

21 **§60A-2-208. Schedule III.**

22 (a) Schedule III consists of the drugs and other substances,
23 by whatever official name, common or usual name, chemical name or
24 brand name designated, listed in this section.

1 (b) *Stimulants.* -- Unless specifically excepted or unless
2 listed in another schedule, any material, compound, mixture or
3 preparation which contains any quantity of the following substances
4 having a stimulant effect on the central nervous system, including
5 its salts, isomers (whether optical, position or geometric), and
6 salts of such isomers whenever the existence of the salts, isomers
7 and salts of isomers is possible within the specific chemical
8 designation:

9 (1) Those compounds, mixtures or preparations in dosage unit
10 form containing any stimulant substances listed in Schedule II
11 which compounds, mixtures or preparations were listed on August 25,
12 1971, as excepted compounds under 21 C.F.R §1308.32, and any other
13 drug of the quantitative composition shown in that list for those
14 drugs or which is the same except that it contains a lesser
15 quantity of controlled substances;

16 (2) Benzphetamine;

17 (3) Chlorphentermine;

18 (4) Clortermine;

19 (5) Phendimetrazine.

20 ~~(6) Hydrocodone.~~

21 (c) *Depressants.* -- Unless specifically excepted or unless
22 listed in another schedule, any material, compound, mixture or
23 preparation which contains any quantity of the following substances
24 having a depressant effect on the central nervous system:

- 1 (1) Any compound, mixture or preparation containing:
2 (A) Amobarbital;
3 (B) Secobarbital;
4 (C) Pentobarbital; or any salt of pentobarbital and one or
5 more other active medicinal ingredients which are not listed in any
6 schedule;
- 7 (2) Any suppository dosage form containing:
8 (A) Amobarbital;
9 (B) Secobarbital;
10 (C) Pentobarbital; or any salt of any of these drugs and
11 approved by the food and drug administration for marketing only as
12 a suppository;
- 13 (3) Any substance which contains any quantity of a derivative
14 of barbituric acid or any salt of barbituric acid;
- 15 (4) Aprobarbital;
16 (5) Butabarbital (secbutabarbital);
17 (6) Butalbital;
18 (7) Butobarbital (butethal);
19 ~~(4)~~ (8) Chlorhexadol;
20 (9) Embutramide;
21 (10) Gamma Hydroxybutyric Acid preparations;
22 (11) Ketamine, its salts, isomers and salts of isomers [Some
23 o t h e r n a m e s f o r k e t a m i n e :
24 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];

1 ~~(5)~~ (12) Lysergic acid;

2 ~~(6)~~ (13) Lysergic acid amide;

3 ~~(7)~~ (14) Methyprylon;

4 ~~(8)~~ (15) Sulfondiethylmethane;

5 ~~(9)~~ (16) Sulfonethylmethane;

6 ~~(10)~~ (17) Sulfonmethane;

7 (18) Thiamylal;

8 (19) Thiopental;

9 ~~(11)~~ (20) Tiletamine and zolazepam or any salt of tiletamine
10 and zolazepam; some trade or other names for a tiletamine-zolazepam
11 combination product: Telazol; some trade or other names for
12 tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade
13 or other names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3,
14 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon;

15 ~~(12) Human growth hormones or anabolic steroids.~~

16 ~~Ketamine, its salts, isomers and salts of isomers, including~~
17 ~~ketamine hydrochloride.~~

18 (21) Vinbarbital.

19 (d) Nalorphine.

20 (e) *Narcotic drugs*. -- Unless specifically excepted or unless
21 listed in another schedule:

22 (1) Any material, compound, mixture or preparation containing
23 any of the following narcotic drugs, or their salts calculated as
24 the free anhydrous base or alkaloid, in limited quantities as set

1 forth below:

2 ~~(1)~~ (A) Not more than 1.8 grams of codeine per 100 milliliters
3 and not more than 90 milligrams per dosage unit, with an equal or
4 greater quantity of an isoquinoline alkaloid of opium;

5 ~~(2)~~ (B) Not more than 1.8 grams of codeine per 100 milliliters
6 or not more than 90 milligrams per dosage unit, with one or more
7 active, nonnarcotic ingredients in recognized therapeutic amounts;

8 ~~(3)~~ (C) Not more than 300 milligrams of dihydrocodeinone
9 (hydrocodone) per 100 milliliters or not more than 15 milligrams
10 per dosage unit, with a fourfold or greater quantity of an
11 isoquinoline alkaloid of opium;

12 ~~(4)~~ (D) Not more than 300 milligrams of dihydrocodeinone
13 (hydrocodone) per 100 milliliters or not more than 15 milligrams
14 per dosage unit, with one or more active, nonnarcotic ingredients
15 in recognized therapeutic amounts;

16 ~~(5)~~ (E) Not more than 1.8 grams of dihydrocodeine per 100
17 milliliters and not more than 90 milligrams per dosage unit, with
18 one or more active, nonnarcotic ingredients in recognized
19 therapeutic amounts;

20 ~~(6)~~ (F) Not more than 300 milligrams of ethylmorphine per 100
21 milliliters or not more than 15 milligrams per dosage unit, with
22 one or more active, nonnarcotic ingredients in recognized
23 therapeutic amounts;

24 ~~(7)~~ (G) Not more than 500 milligrams of opium per 100

1 milliliters or per 100 grams or not more than 25 milligrams per
 2 dosage unit, with one or more active, nonnarcotic ingredients in
 3 recognized therapeutic amounts;

4 ~~(8)~~ (H) Not more than 50 milligrams of morphine per 100
 5 milliliters or per 100 grams, with one or more active, nonnarcotic
 6 ingredients in recognized therapeutic amounts.

7 (2) Any material, compound, mixture or preparation containing
 8 any of the following narcotic drugs or their salts, as set forth
 9 below:

10 (A) Buprenorphine.

11 (f) *Anabolic steroids.* -- Unless specifically excepted or
 12 unless listed in another schedule, any material, compound, mixture,
 13 or preparation containing any quantity of anabolic steroids,
 14 including its salts, isomers and salts of isomers whenever the
 15 existence of the salts of isomers is possible within the specific
 16 chemical designation.

17 (g) Human Growth Hormones.

18 ~~(g)~~ (h) Dronabinol (synthetic) in sesame oil and encapsulated
 19 in a soft gelatin capsule in a United States food and drug
 20 administration approved drug product. (Some other names for
 21 dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6,
 22 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or
 23 (-)-delta-9-(trans)-tetrahydrocannabinol).

24 **§60A-2-210. Schedule IV.**

1 (a) Schedule IV shall consist of the drugs and other
2 substances, by whatever official name, common or usual name,
3 chemical name, or brand name designated, listed in this section.

4 (b) *Narcotic drugs.* Unless specifically excepted or unless
5 listed in another schedule, any material, compound, mixture, or
6 preparation containing any of the following narcotic drugs, or
7 their salts calculated as the free anhydrous base or alkaloid, in
8 limited quantities as set forth below:

9 (1) Not more than 1 milligram of difenoxin and not less than
10 25 micrograms of atropine sulfate per dosage unit;

11 (2) D e x t r o p r o p o x y p h e n e
12 (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybuta
13 ne).

14 (c) *Depressants.* -- Unless specifically excepted or unless
15 listed in another schedule, any material, compound, mixture or
16 preparation which contains any quantity of the following
17 substances, including its salts, isomers and salts of isomers
18 whenever the existence of such salts, isomers and salts of isomers
19 is possible within the specific chemical designation:

20 (1) Alprazolam;

21 (2) Barbital;

22 (3) Bromazepam;

23 (4) Camazepam;

24 (5) Carisoprodol;

- 1 (6) Chloral betaine;
- 2 (7) Chloral hydrate;
- 3 (8) Chlordiazepoxide;
- 4 (9) Clobazam;
- 5 (10) Clonazepam;
- 6 (11) Clorazepate;
- 7 (12) Clotiazepam;
- 8 (13) Cloxazolam;
- 9 (14) Delorazepam;
- 10 (15) Diazepam;
- 11 (16) Dichloralphenazone;
- 12 ~~(16)~~ (17) Estazolam;
- 13 ~~(17)~~ (18) Ethchlorvynol;
- 14 ~~(18)~~ (19) Ethinamate;
- 15 ~~(19)~~ (20) Ethyl loflazepate;
- 16 ~~(20)~~ (21) Fludiazepam;
- 17 ~~(21)~~ (22) Flunitrazepam;
- 18 ~~(22)~~ (23) Flurazepam;
- 19 (24) Fospropofol;
- 20 ~~(23)~~ (25) Halazepam;
- 21 ~~(24)~~ (26) Haloxazolam;
- 22 ~~(25)~~ (27) Ketazolam;
- 23 ~~(26)~~ (28) Loprazolam;
- 24 ~~(27)~~ (29) Lorazepam;

- 1 ~~(28)~~ (30) Lormetazepam;
- 2 ~~(29)~~ (31) Mebutamate;
- 3 ~~(30)~~ (32) Medazepam;
- 4 ~~(31)~~ (33) Meprobamate;
- 5 ~~(32)~~ (34) Methohexital;
- 6 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- 7 ~~(34)~~ (36) Midazolam;
- 8 ~~(35)~~ (37) Nimetazepam;
- 9 ~~(36)~~ (38) Nitrazepam;
- 10 ~~(37)~~ (39) Nordiazepam;
- 11 ~~(38)~~ (40) Oxazepam;
- 12 ~~(39)~~ (41) Oxazolam;
- 13 ~~(40)~~ (42) Paraldehyde;
- 14 ~~(41)~~ (43) Petrichloral;
- 15 ~~(42)~~ (44) Phenobarbital;
- 16 ~~(43)~~ (45) Pinazepam;
- 17 ~~(44)~~ (46) Prazepam;
- 18 ~~(45)~~ (47) Quazepam;
- 19 ~~(46)~~ (48) Temazepam;
- 20 ~~(47)~~ (49) Tetrazepam;
- 21 ~~(48)~~ (50) Triazolam;
- 22 (51) Zaleplon;
- 23 ~~(49)~~ (52) Zolpidem;
- 24 (53) Zopiclone.

1 (d) *Fenfluramine*. -- Any material, compound, mixture or
2 preparation which contains any quantity of the following substance,
3 including its salts, isomers (whether optical, position or
4 geometric) and salts of such isomers whenever the existence of such
5 salts, isomers and salts of isomers is possible: Fenfluramine,
6 Dexfenfluramine.

7 (e) *Stimulants*. -- Unless specifically excepted or unless
8 listed in another schedule, any material, compound, mixture or
9 preparation which contains any quantity of the following substances
10 having a stimulant effect on the central nervous system, including
11 its salts, isomers and salts of isomers:

12 (1) Cathine ((+)-norpseudoephedrine);

13 (2) Diethylpropion;

14 (3) Fencamfamin;

15 (4) Fenproporex;

16 (5) Mazindol;

17 (6) Mefenorex;

18 (7) Modafinil;

19 ~~(7)~~ (8) Pemoline (including organometallic complexes and
20 chelates thereof);

21 ~~(8)~~ (9) Phentermine;

22 ~~(9)~~ (10) Pipradrol;

23 (11) Sibutramine;

24 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

1 (f) *Other substances.* -- Unless specifically excepted or
2 unless listed in another schedule, any material, compound, mixture
3 or preparation which contains any quantity of the following
4 substances, including its salts:

5 (1) Pentazocine;

6 (2) Butorphanol.

7 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
8 organic nitrites are controlled substances and no product
9 containing these compounds as a significant component shall be
10 possessed, bought or sold other than pursuant to a bona fide
11 prescription or for industrial or manufacturing purposes.

12 **§60A-2-212. Schedule V.**

13 (a) Schedule V shall consist of the drugs and other
14 substances, by whatever official name, common or usual name,
15 chemical name, or brand name designated, listed in this section.

16 ~~(b) *Narcotic drugs.* -- Unless specifically excepted or unless~~
17 ~~listed in another schedule, any material, compound, mixture or~~
18 ~~preparation containing any of the following narcotic drugs and~~
19 ~~their salts, as set forth below:~~

20 ~~(1) Buprenorphine.~~

21 ~~(c) (b) Narcotic drugs containing nonnarcotic active medicinal~~
22 ~~ingredients. Any compound, mixture or preparation containing any~~
23 ~~of the following narcotic drugs or their salts calculated as the~~
24 ~~free anhydrous base or alkaloid in limited quantities as set forth~~

1 below, which shall include one or more nonnarcotic active medicinal
2 ingredients in sufficient proportion to confer upon the compound,
3 mixture or preparation valuable medicinal qualities other than
4 those possessed by the narcotic drug alone:

5 (1) Not more than 200 milligrams of codeine per 100
6 milliliters or per 100 grams;

7 (2) Not more than 100 milligrams of dihydrocodeine per 100
8 milliliters or per 100 grams;

9 (3) Not more than 100 milligrams of ethylmorphine per 100
10 milliliters or per 100 grams;

11 (4) Not more than 2.5 milligrams of diphenoxylate and not less
12 than 25 micrograms of atropine sulfate per dosage unit;

13 (5) Not more than 100 milligrams of opium per 100 milliliters
14 or per 100 grams;

15 (6) Not more than 0.5 milligrams of difenoxin and not less
16 than 25 micrograms of atropine sulfate per dosage unit.

17 ~~(d)~~ (c) *Stimulants*. -- Unless specifically exempted or
18 excluded or unless listed in another schedule, any material,
19 compound, mixture or preparation which contains any quantity of the
20 following substances having a stimulant effect on the central
21 nervous system, including its salts, isomers and salts of isomers:

22 (1) Pyrovalerone.

23 ~~(e)~~ (d) Any compound, mixture or preparation containing as its
24 single active ingredient ephedrine, pseudoephedrine or

1 phenylpropanolamine, their salts or optical isomers, or salts of
 2 optical isomers except products which are for pediatric use
 3 primarily intended for administration to children under the age of
 4 twelve: *Provided*, That neither the offenses set forth in section
 5 four hundred one, article four of this chapter, nor the penalties
 6 therein, shall be applicable to ephedrine, pseudoephedrine or
 7 phenylpropanolamine which shall be subject to the provisions of
 8 article ten of this chapter.

9 (e) *Depressants*. -- Unless specifically exempted or excluded
 10 or unless listed in another schedule, any material, compound,
 11 mixture, or preparation which contains any quantity of the
 12 following substances having a depressant effect on the central
 13 nervous system, including its salts:

14 (1) E z o g a b i n e
 15 [N-[2-amino-4-94-fluorobenzylamino)-phenyl]-carbamic acid ethyl
 16 ester];

17 (2) L a c o s a m i d e [(R) - 2 - a c e t o a m i d o - N
 18 -benzyl-3-methoxy-propionamide];

19 (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

NOTE: The purpose of this bill is to update the schedules of controlled substances in West Virginia code to match the federal schedules of controlled substances. Additionally, the bill makes a technical modification to the definitions of "immediate derivative" and "immediate precursor."

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.